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# TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

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May 2, 2011

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TO: Internal File

THRU: Ingrid Campbell, Team Lead

*IC*

FROM: Angela Nance, Business Analyst

*AN*

RE: Midterm Permit Review, Canyon Fuel Company, LLC, Banning Loadout, C/007/0034, Task ID #3813

## SUMMARY:

In accordance with R645-303-211, The Division is required to review each active permit during its term. The Division commenced the Midterm Review for the Banning Loadout on April 19, 2011. This Technical Memorandum reviews the ownership and control information to ensure that it is current and correct as compared to the information found in the Applicant Violator System (AVS).

The findings in this memo are based on a review of the current Mining and Reclamation Plan (MRP).

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TECHNICAL MEMO

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**TECHNICAL ANALYSIS:**

**GENERAL CONTENTS**

**IDENTIFICATION OF INTERESTS**

Regulatory Reference: 30 CFR 773.22; 30 CFR 778.13; R645-301-112

**Analysis:**

The Banning Loadout permit is currently held by Canyon Fuel Company, LLC, a Delaware limited liability company. Canyon Fuel Company, LLC is owned by Arch Western Bituminous Group, LLC (65%) and Arch Coal, Inc. (35%). Arch Western Resources, LLC is owned by Arch Western Acquisition Corporation (99%) and by Delta Housing, Inc. (1%). Arch Coal, Inc. wholly owns Arch Western Acquisition Corporation.

**Findings:**

Some of the information in the current MRP does not match the information found in the OSM/AVS database.

**Arch Coal, Inc.**

1. The AVS shows **Peter Wold, Director** and **J. Jones, Director** with a Begin Date of 07/24/10. The AVS also shows **David Freudenthal, Director** with a Begin Date of 02/23/11 and **Frank M. Burke, Director** with an End Date of 07/24/10. This information is not in the current MRP. *Please address this discrepancy by either updating this information in the MRP or by providing a Secretary's Certificate to correct the AVS.*

**Arch Western Bituminous Group, LLC**

1. The AVS shows **Robert W. Shanks, Director** with an End Date of 02/14/11 and **Gary Bennett, Director** with a Begin Date of 02/14/11. This information is not in the current MRP. *Please address this discrepancy by either updating this information in the MRP or by providing a Secretary's Certificate to correct the AVS.*

**Canyon Fuel Company, LLC**

1. The AVS shows **Robert W. Shanks, Director** with an End Date of 02/14/11 and **Gary Bennett, Director** with a Begin Date of 02/14/11. This information is not in

the current MRP. *Please address this discrepancy by either updating this information in the MRP or by providing a Secretary's Certificate to correct the AVS.*

**RECOMMENDATION:**

The Operator should submit an application to correct the Ownership and Control information in the Banning Loadout MRP in accordance with **R645-301-112.330**.

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